



For Immediate Release
September 1, 2023

TAHC Rule Proposals Open for Public Comment

Hearing and Appeal Procedures and Grants, Gifts and Donations

AUSTIN, TX – The Texas Animal Health Commission (TAHC) held a regularly scheduled Commission meeting July 11, 2023, at its headquarters in Austin.

The following actions were proposed during the meeting and are open for comment from September 1 – October 2, 2023.

Chapter 32, Hearing and Appeal Procedures

The proposed amendments to §32.1 adds definitions for “Commissioner,” “Contested case,” and “Final order,” clarifies the definitions of “Executive director” and “Party,” and replaces “Hearing officer” with “Administrative Law Judge.” The proposed amendments to §32.2 outline procedures for appeals of a monetary penalty for a violation, clarifies the process by which an individual may appeal an administrative penalty and the steps the TAHC must take if a notice of violation does not receive a timely response. The §32.2 amendments bring the section requirements into alignment with the statutory requirements of the Texas Agriculture Code, §161.148.

The proposed amendments to §32.3 outline procedures for appeals of other orders and decisions, clarifies the process by which an individual may appeal orders and decisions of the TAHC that do not involve administrative penalties, and direct readers to other rules that provide specific appeal provisions. The proposed amendments to §32.4 specify hearing procedures and provide guidance to parties and administrative law judges about how contested case hearings referred to the State Office of Administrative Hearings (SOAH) must be conducted in a new section. The §32.4 amendments outline the procedures required by the Texas Agriculture Code, the Administrative Procedure Act, and the rules of SOAH. Additionally, the proposed repeal of §32.6 repeals the existing section and moves the contents to §32.4.

The proposed amendments to §32.5 outline procedures for the disposition of contested cases and clarify already existing procedures following the conclusion of a contested case hearing. The §32.5 amendments detail how the TAHC must adopt final orders in a contested case, disposition of a case by default, and a party’s opportunity to file a motion for rehearing upon the rendition of a final order.

Chapter 56, Grants, Gifts and Donations

The proposed amendments to §56.1 states the purpose of the chapter as establishing rules for accepting gifts and for governing conduct between private donors and the TAHC and updates rule language to reflect current preferred TAHC terminology. The proposed amendments to §56.2 define terms used



within the chapter, add definitions for “Commissioner” and “Executive director,” clarify the definition of “Private donor,” and remove the definition of “Officer.”

The proposed amendments to §56.3 outline rules for accepting donations and clarify the responsibilities of the executive director and when donations must be acknowledged by commissioners in an open meeting. These §56.3 proposed amendments are designed to bring this section into better alignment with Chapter 575 of the Texas Government Code. The proposed amendments to §56.4 specify when the TAHC may solicit gifts and move the reporting requirement to Section §56.3 to clarify that the requirement applies to all accepted grants, gifts, or donations. The proposed amendments to §56.5 detail what type of donations may be made to the TAHC, update rule language for readability, and clarify that donations may be for any amount and with or without restrictions.

The proposed amendments to §56.6 outline standards of conduct between commissioners, employees, and private donors and update rule language to reflect current preferred TAHC terminology. The proposed amendments to §56.7 prohibits acceptance of gifts from a party in a contested case and update rule language for readability.

Comments on the rule proposals may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512)-719-0719 or by email to comments@tahc.texas.gov. When commenting, please indicate in the subject line the intent to comment on the specific rule in reference.

Complete details of the rule proposals are also available on the TAHC website at <https://www.tahc.texas.gov/regs/proposals.html#proposals>.

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The Texas Animal Health Commission (TAHC) was established in 1893 as the Livestock Sanitary Commission and charged with protecting the state’s domestic animals “from all contagious or infectious diseases of a malignant character.” TAHC remains true to this charge while evolving with the times to protect the health and marketability of all Texas livestock and poultry. Learn more about the TAHC by visiting www.tahc.texas.gov.